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Thomas M. Sullivan, Esq. Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. One Financial Center Boston, MA 02111		EXAMINER ALBERTALLI, BRIAN LOUIS		
		ART UNIT PAPER NUMBER		
		2655		

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,621

Applicant(s)

DENENBERG ET AL.

Examiner

Brian L Albertalli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendments to the claims have been entered. Claims 1, 10, 17, 22, 23, 29, 31, 33, and 35 are currently amended.

Response to Arguments

1. Regarding the use of Official Notice in the previous Office Action, it is noted that the Applicant has not specifically challenged these assertions, thus the well-known statements (regarding the use of checksums and optical data storage) are taken to be admitted prior art. See MPEP 2144.03.
2. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The amendments to the abstract overcome the objections made in the previous Office Action. The objections to the abstract are withdrawn.
4. The amendments to the specification overcome the objections made in the previous Office Action. The objections to the specification are withdrawn.

Drawings

5. The amendments to the drawings overcome the objections made in the previous Office Action. The objections to the drawings are withdrawn.

Claim Objections

6. The amendments to the claims overcome the objections made in the previous Office Action. The objections to the claims are withdrawn.
7. However, upon further consideration, claim 3 is objected to because in line 3, "accessing" should be --access--.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-8, 10-20, and 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Breitenbach et al. (U.S. Patent 6,775,358).

In regard to claims 1, 10, and 23, Breitenbach et al. disclose a method for providing a bookmark in a voice application (Fig. 6), a server (Fig. 1) with a processor

programmed to perform the method, and an article of manufacture comprising computer readable program code comprising:

presenting the voice application to a user (step 622, content, also referred to as topics and stories, are rendered to the caller, column 16, line 64 to column 17, line 5, see also column 16, lines 38-39);

allowing the user to access the voice application and provide vocal input to the voice application (the user navigates the application through utterances, column 17, lines 9-11 and lines 29-30);

creating, upon a user request, a bookmark to a location in the voice application in accordance with vocal input provided to the voice application (step 622 ends when the user interrupts normal playback with a voice command, and a history record is updated, column 17, lines 43-53); and

providing the user with access to the bookmark in the voice application in order to return to the bookmarked location (at a later time, the user can resume call playback from the last point in the history record, column 14, lines 24-29 and lines 36-39).

In regard to claims 2 and 24, Breitenbach et al. disclose saving a pointer to the voice application (topics/stories rendered by the telephone server are stored, column 17, lines 22-25); and

saving a representation of vocal input by the user to the voice application up to the bookmarked location in the voice application (the utterances the caller entered to navigate the playlist are stored, column 17, lines 29-30).

In regard to claims 3 and 25, Breitenbach et al. disclose using said pointer to access the voice application (the history record is parsed to determine what channel, and thus what topic/stories should be accessed, column 15, lines 3-13, and lines 34-36; and column 16, lines 1-3); and

replaying the representation of the interactions to progress through the voice application substantially up to the bookmarked location (the user has the option to playback content that has already been played, column 15, lines 38-41 and column 16, lines 18-23).

In regard to claim 4 Breitenbach et al. disclose the voice application includes VoiceXML code (content is rendered as VoiceXML output, column 16, line 64 to column 17, line 5).

In regard to claims 5 and 26, Breitenbach et al. disclose saving a modified representation of a page of the voice application that includes substantially all results of the vocal inputs up to the bookmarked location (an updated history record including user utterances is saved, column 17, lines 29-30 and lines 46-53).

In regard to claims 6 and 27, Breitenbach et al. disclose executing the modified representation of the voice application (the updated contents of the current history record are parsed, column 17, lines 54-63).

In regard to claims 7 and 8, Breitenbach et al. disclose the voice application and modified voice application include VoiceXML code, column 17, lines 42-53).

In regard to claims 11-13, Breitenbach et al. disclose the user inputs navigation commands through utterances, and that text data is synthesized by a voice synthesizer (column 17, lines 4-5 and lines 29-30). The system (Fig. 1, 100) must inherently include the necessary speech processing device, analog to digital converter, and analog to digital converter to operate.

In regard to claim 14, Breitenbach et al. disclose a telephony interface coupled to the processor for sending and receiving audio signals to the user (Fig. 1, 104, column 4, lines 4-8).

In regard to claim 15, Breitenbach et al. disclose the voice application resides on a remote host, further comprising a telephony interface coupled to the processor for transmitting and receiving audio signals to and from the remote host, respectively (see Fig. 1, telephone 104 is clearly remote from the system 100).

In regard to claim 16, Breitenbach et al. disclose the voice application resides on a remote host, further comprising a TCP/IP stack coupled with the network and the processor, the TCP/IP stack for transmitting and receiving data to and from the remote

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host, respectively (content is provided from the content providers 108 through the internet 102, thus system 100 must inherently include a TCP/IP stack, since TCP/IP is the protocol used to communicate over the Internet, column 4, lines 56-57).

In regard to claim 17, the limitations of the claim are the same as claims 10-16, and thus are rejected for the same reasons.

In regard to claim 18, Breitenbach et al. disclose means for storing one or more bookmarks of the user (mass storage 150 stores a history record archive, column 5, lines 18-23).

In regard to claims 19 and 20, Breitenbach et al. disclose the means for storing include random access memory and magnetic data storage medium (column 7, lines 7-11).

In regard to claim 22, the limitations of the claim are the same as claims 10-16, and thus are rejected for the same reasons.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 9, 21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breitenbach et al, in view of the Applicant's admitted prior art.

In regard to claims 9 and 28, over Breitenbach et al. disclose saving the entries to a history record when the history record is created, and determining the contents of the history record by parsing the entire history record (Fig. 6, step 614, column 15, lines 5-11).

Breitenbach et al. do not disclose the use of a checksum.

The Applicant's admitted prior art discloses using a checksum for detecting when stored information has changed is widely known in the art.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Breitenbach et al. to generate a first checksum when the history record was created, then compare that to a second checksum generated when the history record was accessed, in order to quickly determine the final state of audio playback without having to parse the entire history record, while adding only a small amount of extra information (the size of the checksum) to the history record.

In regard to claim 21, Breitenbach et al. do not explicitly disclose the means for storing includes an optical data storage, but the Applicant's admitted prior art discloses that it is notoriously well known and recognized in the art that optical storage provides a compact, long lasting, and quickly accessible means for storing data.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Breitenbach et al. to includes means for storing on optical data storage, in order to provide a compact, long lasting, and quickly accessible means for storing data.

Claims 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breitenbach et al., in view of Berners-Lee et al. (*Uniform Resource Identifiers*), in further view of the Applicant's admitted prior art, and further in view of King et al. (U.S. Patent 5,895,471).

In regard to claims 29 and 31, Breitenbach et al. disclose a method and an apparatus for providing a bookmark in a voice application, comprising:

- allowing a user to request a page of the voice application (Fig. 6, step 622, the user navigates a playlist to receive content, column 17, lines 5-11);

- loading the page of the application (content is retrieved as needed, column 17, lines 5-7);

- saving an identifier of the page (column 17, lines 22-25);

- providing to the user a prompt of the page (content is rendered audibly for the caller, column 16, line 64 to column 17, line 5);

- obtaining a voice response from the user (the user navigate the playlist through utterances, column 17, lines 9-11 and lines 29-30);

- saving the response from the user (column 17, lines 29-30);

processing the response from the user (the utterances of the user must inherently be processed, by a speech recognizer, for example); and

creating the bookmark to the page of the voice application if the voice response of the user through the voice application indicates that the user desires to create the bookmark to the page (step 622 ends when the user interrupts normal playback with a voice command, and a history record is updated, column 17, lines 43-53), wherein creating the bookmark includes:

saving the bookmark including one or more responses that the user provided for the page of the application, and the identifier of the page (column 17, lines 22-25, lines 29-30, and lines 42-53).

Breitenbach et al. do not disclose that the identifier is a URL.

Berners-Lee et al. disclose URL's are a type of URI that provide a simple and extensible means for identifying a resource (page 2, lines 1-2 and page 3, section 1.2, first paragraph).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Breitenbach et al. to store a URL of the page, so that a separate, distinct identifier would not have to be used.

Breitenbach et al. and Berners-Lee et al. do not disclose the use of a checksum.

The Applicant's admitted prior art discloses that using a checksum for detecting when stored information has changed is widely known in the art.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Breitenbach et al. and Berners-Lee et al. to generate a first

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checksum when the history record was created, then compare that to a second checksum generated when the history record was accessed, in order to quickly determine the final state of audio playback without having to parse the entire history record, while adding only a small amount of extra information (the size of the checksum) to the history record.

Breitenbach et al., Berners-Lee et al., and the Applicant's admitted prior art further do not disclose requesting from the user a name for the bookmark, however, Breitenbach et al. do disclose means for storing one or more bookmarks of the user (mass storage 150 stores a history record archive, column 5, lines 18-23).

King et al. disclose requesting the user for a name for a bookmark because URL's are difficult to remember (column 11, lines 35-37 and lines 55-59).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Breitenbach et al., Berners-Lee et al., and the Applicant's admitted prior art to allow the user to provide a name for the bookmark, because the user will more easily remember the name given, thereby making it easier for the user to find the data at a later time.

In regard to claims 30 and 32, Breitenbach et al. disclose clearing saved information and loading another page if the response of the user indicates that the user desires to load another page (when the user ends step 622 through a voice command, the current history record is cleared and replaced with an updated history record, column 17, lines 43-53).

In regard to claim 33, the limitations of the claim are the same as claim 29, except for the limitation:

saving a modified representation of the voice application that includes substantially all results of the vocal inputs up to the bookmarked location.

The identical limitations are rejected for the same reason as for claim 29. In addition, Breitenbach et al. disclose saving a modified representation of the voice application that includes substantially all results of the vocal inputs up to the bookmarked location (an updated history record including user utterances is saved, column 17, lines 29-30 and lines 46-53).

In regard to claim 34, Breitenbach et al. disclose loading another page if the response of the user indicates that the user wants to load another page (playback proceeds to a new channel after a user utterance ends step 622, column 17, lines 43-46 and lines 54-61).

Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breitenbach et al., in view of the Applicant's admitted prior art, and further in view of King et al.

In regard to claim 35, Breitenbach et al. disclose an apparatus (Fig. 1) for providing a user access to a voice application through a computer network, comprising:
a server coupled to the computer network (100), wherein the server includes:

means for allowing a user to request a page of the voice application (Fig. 6, step 622, the user navigates a playlist to receive content, column 17, lines 5-11);

means for loading the page of the application (content is retrieved as needed, column 17, lines 5-7);

means for provide to the user a prompt of the page (content is rendered audibly for the caller, column 16, line 64 to column 17, line 5);

means for obtaining a response from the user (the user navigate the playlist through utterances, column 17, lines 9-11 and lines 29-30);

means for saving the response from the user (column 17, lines 29-30);

means for processing the response from the user (the utterances of the user must inherently be processed, by a speech recognizer, for example); and

means for creating the bookmark to the page of the voice application if the response of the user indicates that the user desires to create the bookmark to the page, (step 622 ends when the user interrupts normal playback with a voice command, and a history record is updated, column 17, lines 43-53) wherein the means for creating the bookmark includes:

means for saving a modified representation of the voice application that includes substantially all results of the vocal inputs up to the bookmarked location (column 17, lines 29-30); and

saving a reference to the modified representation of the voice application (an updated history record including user utterances is saved, column 17, lines 29-30 and lines 46-53).

Breitenbach et al. do not disclose the use of a checksum.

The Applicant's admitted prior art discloses that using a checksum for detecting when stored information has changed is widely known in the art.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Breitenbach et al. to generate a first checksum when the history record was created, then compare that to a second checksum generated when the history record was accessed, in order to quickly determine the final state of audio playback without having to parse the entire history record, while adding only a small amount of extra information (the size of the checksum) to the history record.

Breitenbach et al. and the Applicant's admitted prior art further do not disclose requesting from the user a name for the bookmark, however, Breitenbach et al. do disclose means for storing one or more bookmarks of the user (mass storage 150 stores a history record archive, column 5, lines 18-23).

King et al. disclose requesting the user for a name for a bookmark because URL's are difficult to remember (column 11, lines 35-37 and lines 55-59).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Breitenbach et al. to allow the user to provide a name for the bookmark, because the user will more easily remember the name given, thereby making it easier for the user to find the data at a later time.

In regard to claim 36, Breitenbach et al. disclose clearing saved information and loading another page if the response of the user indicates that the user desires to load

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another page (when the user ends step 622 through a voice command, the current history record is cleared and replaced with an updated history record, column 17, lines 43-53).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. De Armas et al. (U.S. Patent 5,873,064) disclose a system for recording a voice macro.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L Albertalli whose telephone number is (571) 272-


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7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BLA 6/15/05



W. R. YOUNG
PRIMARY EXAMINER